



BRP WP 61d, BRP WP 61e

Upgrades of Failing Large Systems

Instructions and Supporting Materials

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Introduction

DEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the DEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



BRP WP 61d, BRP WP 61e

Upgrades of Failing Large Systems

Permit Fact Sheet

Note: When completing the DEP Transmittal Form, write the "d" or "e" immediately after the space provided for the seven digit character code at the top of the Form.

1. What is the purpose of these approvals?

These approvals are necessary to ensure that the treatment and disposal of sanitary sewage through the use of an on-site subsurface sewage disposal system is performed in an environmentally acceptable manner and in accordance with the provisions of Title 5 of the Environmental Code, 310 CMR 15.000.

You must obtain approval from DEP for **BRP WP 61d**, Upgrade of a Failing Large System (of 10,000 gallons per day (gpd) or more but less than 15,000 gpd), pursuant to 310 CMR 15.304.

In the case of **BRP WP 61e**, Determination of Manifest Injustice for Large Systems, DEP will make a determination that a claim of manifest injustice is warranted or not warranted.

2. Who must apply?

For **BRP WP 61d**: Any individual, business or organization that is the owner of an on-site sewage disposal system with a design flow of 10,000 gpd or more but fewer than 15,000 gpd and which is failing to protect public health and safety and the environment as defined in 310 CMR 15.304(1).

For **BRP WP 61e**: Any individual, business or organization that is the owner of a system with a design flow of 10,000 gpd or more, but less than 15,000 gpd, which is a significant threat (as defined in 15.304(2)), but for which the owner seeks a determination that the requirement to meet the standards of 314 CMR 5.00 and 6.00 would be manifestly unjust considering the facts of the case and the ability to provide equivalent environmental protection.

3. What other requirements should be considered when applying?

These permits may require MEPA review. Please carefully examine 301 CMR 11.00, the MEPA Regulations, to determine if your project exceeds the MEPA review thresholds, or for more information contact the MEPA Unit of the Executive Office of Environmental Affairs (617) 727-5830. **DEP cannot complete technical review of the permit application until the MEPA process has been concluded.** Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the appropriate program offices in Boston and the MEPA Coordinator in the appropriate Regional Office.

For Determination of Manifest Injustice for Large Systems, implementation of an upgrade of the system will require approval of the local approving authority as well as DEP pursuant to 310 CMR 15.000.

Note: This information is intended to serve as a guide to the applicant. Other requirements may also apply.

4. What is the application fee?

For BRP WP 61d and e:

The application fee is \$1500 in accordance with 310CMR 4.10.



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Permit Fact Sheet

5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:

Department of Environmental Protection

*** Regional Office**

Title 5 Permitting Program

**See "Addresses and Phone Numbers" page included in this package.*

There are no Reserve Copy Locations for these permits.

6. What are the timelines?

The timelines are negotiated between the applicant and DEP in accordance with 310 CMR 4.05.

7. What is the annual compliance fee?

The compliance fee is an amount negotiated between the applicant and DEP, in accordance with 310 CMR 4.05. If you fail to pay the annual compliance fee, your permit could be suspended or revoked.

8. How long are these approvals in effect?

For Upgrades of Failing Large systems, (BRP WP 61d) the approval remains valid as long as the upgraded system and facility served remain unchanged, or until DEP revokes or modifies the approval.

For Determination of Manifest Injustice for Large Systems, determinations remain valid until DEP revokes or modifies the decision.

9. How can I avoid the most common mistakes made in applying for these approvals?

- a. Answer all questions on the application form and indicate "not applicable" (N/A) where appropriate. One copy of the application form must be signed in ink.
- b. Make sure two (2) copies of plans and specifications are complete and signed and stamped by a Massachusetts Professional Engineer.
- c. Verify that an application has been sent concurrently to the local approving authority for their information.
- d. For BRP WP 61e applications, attach all relevant data demonstrating that equivalent environmental protection is achievable.
- e. For BRP WP 61e applications, attach all relevant data demonstrating that the requirement to meet the standards of 314 CMR 5.00 and 6.00 are manifestly unjust.
- f. Submit fee and one copy of the DEP Transmittal Form to: Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Title 5 Permitting

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Permit Fact Sheet

10. What are the regulations that apply to these approvals? Where can I get copies?

These regulations include, but are not limited to:

- a. Title 5 Regulations, 310 CMR 15.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.
- c. Groundwater Discharge Regulations, 314 CMR 5.00.
- d. Groundwater Quality Standards, 314 CMR 6.00.

These may be purchased at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
(617) 727-2834

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01103
(413) 784-1376



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Title 5 Permitting

BRP WP 61d, BRP WP 61e

Upgrades of Failing Large Systems

Application Completeness Checklist

- ☐ The DEP Transmittal Form is completed. When completing the DEP Transmittal Form, write the “d” or “e” immediately after the space provided for the seven digit character code at the top of the Form.
- ☐ The application form has been completed. The following information has been provided:
 - ☐ Name and address of applicant/owner.
 - ☐ Location (address) of facility.
 - ☐ Name, address and telephone number of design engineer.
 - ☐ Identification of the type of DEP action required:
 - ☐ Upgrade for Failing Large System – BRP WP 61d
 - ☐ Determination of Manifest Injustice - BRP WP 61e
 - ☐ Two complete sets of plans and specifications have been properly signed and stamped by a Massachusetts Registered Professional Engineer.
 - ☐ Verify that a copy of this application was sent concurrently to the local approving authority.
 - ☐ **For BRP WP 61e:** you have included data demonstrating equivalent environmental protection can be met and other data supporting the position that the enforcement of the groundwater standards and regulations would be manifestly unjust in this case.

To submit the application package:

- ☐ Checklist items have been completed.
- ☐ Send two(2) copies of the application along with one copy from the DEP Transmittal Form to:

Department of Environmental Protection
*** Regional Office**
Title 5 Permitting Program

*See “Addresses and Phone Numbers” page included in this package.

- ☐ Send the \$1500 application fee, in the form of a check or money order made payable to *Commonwealth of Massachusetts*, along with one copy from the DEP Transmittal Form to:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection

Addresses and Phone Numbers

DEP Boston
One Winter Street
Boston, MA 02108
Telephone: (617) 292-5500
Fax: (617) 556-1049
TDD: (617) 574-6868

William X. Wall Experiment Station
37 Shattuck Street
Lawrence, MA 01843
Fax: (978) 688-0352
Division of Environmental Analysis
Telephone: (978) 682-5237
Air Quality Surveillance
Telephone: (978) 975-1138

Division of Watershed Management
627 Main Street
Worcester, MA 01608
Telephone: (508) 792-7470
Fax: (508) 791-4131

DEP Western Region
436 Dwight Street
Suite 402
Springfield, MA 01103
Phone: (413) 784-1100
Fax: (413) 784-1149



Adams
Agawam
Alford
Amherst
Ashfield
Becket
Belchertown
Bernardston
Blandford
Brimfield
Buckland
Charlemont
Cheshire
Chester
Chesterfield
Chicopee
Clarksburg

Colrain
Conway
Cummington
Dalton
Deerfield
Easthampton
East Longmeadow
Egremont
Erving
Florida
Gill
Goshen
Granby
Granville
Great Barrington
Greenfield
Hadley

Hampden
Hancock
Hatfield
Hawley
Heath
Hinsdale
Holland
Holyoke
Huntington
Lanesborough
Lee
Lenox
Leverett
Leyden
Longmeadow
Ludlow
Middlefield

Monroe
Montague
Monterey
Montgomery
Monson
Mount Washington
New Ashford
New Marlborough
New Salem
North Adams
Northampton
Northfield
Northfield
Orange
Otis
Palmer
Pelham
Peru

Pittsfield
Plainfield
Richmond
Rowe
Russell
Sandisfield
Savoy
Sheffield
Shelburne
Shutesbury
Southampton
South Hadley
Southwick
Springfield
Stockbridge
Sunderland
Tolland

Tyringham
Wales
Ware
Warwick
Washington
Wendell
Westfield
Westhampton
West Springfield
West Stockbridge
Whately
Wilbraham
Williamstown
Windsor
Worthington

DEP Central Region
627 Main Street
Worcester, MA 01608
Phone: (508) 792-7650
Fax: (508) 792-7621
TDD: (508) 767-2788



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Barre
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Northbridge
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Pepperell
Petersham
Phillipston
Princeton
Royalston

Rutland
Shirley
Shrewsbury
Southborough
Southbridge
Spencer
Sterling
Stow
Sturbridge
Sutton
Templeton
Townsend
Tyngsborough
Upton

Uxbridge
Warren
Webster
Westborough
West Boylston
West Brookfield
Westford
Westminster
Winchendon
Worcester

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
Phone: (508) 946-2700
Fax: (508) 947-6557
TDD: (508) 946-2795



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Brockton
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Chatham
Chilmark

Dartmouth
Dennis
Dighton
Duxbury
Eastham
East Bridgewater
Easton
Edgartown
Fairhaven
Fall River
Falmouth
Foxborough
Franklin

Freetown
Gay Head
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Hanover
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Harwich
Kingston
Lakeville
Mansfield
Marion
Marshfield
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Nantucket
New Bedford
North Attleborough
Norton
Norwell
Oak Bluffs
Orleans
Pembroke
Marion
Marshfield
Plymouth
Plympton

Provincetown
Raynham
Rehoboth
Rochester
Rockland
Sandwich
Scituate
Seekonk
Sharon
Somerset
Stoughton
Swansea
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Truro
Wareham
Wellfleet
West Bridgewater
Westport
West Tisbury
Whitman
Wrentham
Yarmouth

DEP Northeast Region
One Winter Street
Boston, MA 02108
Telephone: (617) 654-6500
Fax: (617) 556-1049
TDD: (617) 574-6868



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Newburyport
Newton
Norfolk
North Andover
North Reading
Norwood
Peabody

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Stoneham
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Swampscott
Tewksbury
Topsfield

Wakefield
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Woburn



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Title 5 Permitting

Upgrades of Failing Large Systems

BRP WP 61d Upgrade of a Failing Large System

BRP WP 61e Determination of Manifest Injustice for Large Systems

Transmittal Number _____

Facility ID (if known) _____

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Please read the instructions and supporting materials before filling out this form.

A. General Information

1. Which permit category are you applying for?

- ☐ BRP WP 61d Upgrade of a Failing Large System
☐ BRP WP 61e Determination of Manifest Injustice for Large Systems

2. Applicant:

Name

Street Address

City/Town

State

Zip Code

Telephone

3. Facility Address, Location (if different from Applicant):

Address

City/Town

State

Zip Code

4. System Designer Information:

Designer's Name

Company Name

Address

City/Town

State

Zip Code

Telephone

P.E.

5. Does this project require a filing under 301 CMR 11.00, the Massachusetts Environmental Policy Act?

☐ Yes ☐ No

If Yes, has a filing been made?

☐ Yes ☐ No

If yes, EOE File #

6. Two (2) complete sets of plans and specifications, including a locus map, properly stamped and signed by a Massachusetts Registered Professional Engineer must accompany the application. The plans must be prepared in accordance with the provisions of 310 CMR 15.220.

Are plans and specifications enclosed?

☐ Yes ☐ No



Upgrades of Failing Large Systems

BRP WP 61d Upgrade of a Failing Large System

BRP WP 61e Determination of Manifest Injustice for Large Systems

Transmittal Number _____

Facility ID (if known) _____

A. General Information (cont.)

7. The legal entity which will own this facility is:

- ☐ Individual
- ☐ Private Partnership
- ☐ Corporation
- ☐ Federal
- ☐ State/Country
- ☐ Municipality
- ☐ Other

If other, please specify: _____

8. The local approving authority having jurisdiction over the site must receive a copy of this complete application concurrently with the submittal to DEP.

Has a copy been sent to the local approving authority?

- ☐ Yes ☐ No

9. What is the design flow of the system? _____

gpd

10. Has the local approving authority or DEP determined that an imminent health hazard exists due to the condition or location of the system? Attach documentation.

- ☐ Yes ☐ No

11. If applying under BRP WP 61d, has the local approving authority or DEP determined that continued use of the system was permitted in accordance with the provisions of a schedule for upgrade? Attach documentation of any interim measures and deadlines.

- ☐ Yes ☐ No

On what date was the schedule for upgrade granted? _____

date

12. If applying under BRP WP 61d, is documentation of the failure condition by an approved System Inspector, local approving authority or DEP attached?

- ☐ Yes ☐ No

13. If applying under BRP WP 61e, is documentation attached that the conditions stated in 310 CMR 15.304(2) are present?

- ☐ Yes ☐ No

14. If applying under BRP WP 61e, what is the most recent filing date for any permit application relevant to this system? (i.e. permit for the system's initial construction, or any subsequent change)

application date

permit date

On what date did construction of the system begin?

date



Upgrades of Failing Large Systems

BRP WP 61d Upgrade of a Failing Large System

BRP WP 61e Determination of Manifest Injustice for Large Systems

Transmittal Number _____

Facility ID (if known) _____

A. General Information (cont.)

15. If applying under BRP WP 61e, the applicant must document the costs of preparing the demonstrations and implementing control measures required by 310 CMR 15.304 and compare them to the costs of compliance with the requirement to obtain a groundwater discharge permit.

Is such documentation attached?

☐ Yes

☐ No

16. If applying under BRP WP 61e, the applicant must document any other relevant factor that s/he considers relevant to this review.

Is such documentation attached?

☐ Yes

☐ No

17. For those applying under BRP WP 61e, the applicant must submit evidence that equivalent environmental protection is achievable as described in 310 CMR 15.304(3).

Is such evidence attached?

☐ Yes

☐ No

B. Certification

"I certify under penalty of law that this document and all attachments, to the best of my knowledge and belief, are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Applicant's signature

Print Name

Name of Preparer

Date